



City of Seattle

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**Department of Planning and Development**

Diane M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3012190

**Applicant Name:** James Freudenberger of Telco Pacific for ATT

**Address of Proposal:** 431 NW 100<sup>th</sup> Pl

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow the expansion of a minor communication utility (AT&T) consisting of one additional panel antenna (for a total of 9) on the rooftop of an existing multifamily structure. Project also includes the addition of one equipment cabinet in the existing equipment room located in the basement.

The following approval is required:

**SEPA - Environmental Determination** – Chapter 25.05, Seattle Municipal Code (SMC)

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

**BACKGROUND INFORMATION**

**Site and Vicinity Description**

The subject site is located on NW 100<sup>th</sup> Pl across the street from the southerly arm of and access into Carkeek Park. The existing minor communication facility is located on the roof of an apartment building. The property is located in a Commercial One zone with a 65-foot height limit (C1-65'). The adjacent property to the southwest, developed with a large supermarket, is also zoned C1-65'. Properties across NW 100<sup>th</sup> to the northwest are residentially zones (LR-2 and SF 7200) while the adjacent property to the northeast is zoned LR-1.

### Public Comment Period

The public comment period ended on February 5, 2012. No comment letters were received.

### SEPA ANALYSIS

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.554D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,”* subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

The following temporary construction-related impacts are expected: 1) decreased air quality due to the increase dust and other suspended particulates from building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with normal pedestrian movement adjacent to the site; and 6) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse although mitigation measures are not necessary.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); 2) Building Code (construction measures in general), and 3) Noise Ordinance (construction hours and noise levels). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

### Greenhouse Gas

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

### Long-term Impacts

This site supports an existing minor communication utility so any long-term or use-related impacts related to the additional antennas as a result of approval of this proposal should be extremely minimal. There could be a slight increase in traffic in the area and increased demand for parking due to maintenance of the expanded facility as well as minor increase in demand for public services and utilities. These impacts are very minor in scope and do not warrant additional conditioning pursuant to SEPA policies.

### Environmental Health

The applicant has submitted “Personal Wireless Service Facility Applicant’s Statement of FCC Compliance” and “Non-ionizing Electromagnetic Exposure Analysis & Engineering Certification” reports and engineering certification for this proposed facility giving the calculations of radiofrequency power density at roof and ground levels expected from this proposal and attesting to the qualifications of the professional engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The City of Seattle, in conjunction with Seattle King County Department of Public Health, has determined that Personal Communication Systems (PCS) operate at output levels far below the Maximum Permissible Exposure standards established by the Federal Communications Commission (FCC) and therefore, do not warrant any conditioning to mitigate for adverse impacts.

Furthermore, the Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

### Greenhouse Gas

Operational activities, primarily vehicular trips associated with the project and the projects’ energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

## **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2)(C).

**CONDITIONS - SEPA**

None.

Signature: (signature on file)  
Jerry Suder, Supervising Land Use Planner  
Department of Planning and Development

Date: February 9, 2012